IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27579 of 2007(G)

(ID.51/2001 of INDUSTRIAL TRIBUNAL, ALAPPUZHA)

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PETITIONER:

V.K.KARIM, S/O.ABDULA, AGED 49 YEARS,
5/153, KACHERIPADI, N.PARAVOOR.

BY ADV. SRI.T.RAJESH

RESPONDENT:

R.RADHAKRISHNA PATTARI,
VELUTHATTUPARAMBIL HOUSE,
NANTHIYATTUKUNNAM, N.PARAVOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P (C) NO. 27579 OF 2007 - G

Dated this the 18th day of September, 2007

J U D G M E N T

The petitioner is the management in I.D.No.51 of 2001 before the Industrial Tribunal, Alleppey wherein Ext.P2 award was passed by the Industrial Tribunal. The issues referred for adjudication were as follows:-

> "1. Whether the denial of employment of Sri.Radhakrishnan Pattari by the management of Royal Hotel, Parur can be justified?
>
> 2. If not, what relief he is entitled to?"

The workman is deaf and dumb. His wife gave evidence on his behalf. The petitioner- management examined three witnesses including himself. There was only oral evidence. After considering the evidence, the Tribunal found that the evidence adduced by the workman was more reliable than that of the management. Specific reasons are also mentioned in Ext.P1 as to why the

evidence of the petitioner- management cannot be believed. As such, it is purely a matter of appreciation of evidence. Unless such appreciation and findings thereon are perverse, I cannot exercise jurisdiction under Article 226 of the Constitution of India, interfering with Ext.P2 award. There is absolutely nothing whatsoever in Ext.P2 award which would even remotely suggest any perversity in the findings therein. That being so, I am not inclined to entertain this writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: 07-09-2007